

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF AUGUST, 2001

Diary No.. 3626 of 2001 (O.A.No. 1005/01)

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

1. Nimai Chand Das, son of late Panchu Lal Das, a/a 49 years
2. Bashstha Sharma, Son of Shri V.N.Sharma,a/a 42 years
3. Dinesh Mishra, son of Vidyananda Mishra, a/a 40 years.
4. Dudhnath Das, son of R.N.Das a/a 47 years.
all are working as helper khalasi Gr.1 in the office of Senior Section Engineer/T.R-D Construction Mughalsarai.
5. Kanhaiya Prasad son of Bare Lal a/a 41 years working as helper khalasi grade 1 in the office of Section Engineer/T.R.-D/O HE/Eastern Railway Mughalsarai
6. Ravindra Ramson of Sri Baijnath Gnod,a/a 45 years working as helper khalasi grade 1 in the office of Senior D.E.E /T.R.-D/Mughalsarai
7. Dulal Chandd Mandal, son of Late Sewa Das,a/a 40 years, working as lineman grade III in the office of Senior Section Engineer T.R.-D/Construction Mughalsarai.

..... Applicants

(By Adv: Shri O.P.Gupta)

Versus

1. Senior Divisional Personnel Officer Eastern railway, Mughalsarai
2. Union of India through General Manager, Eastern Railway Kolkata

... Respondents

(By Adv: Shri K.P.Singh)

O R D E R(Oral)


JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 applicants have challenged the order dated 17.7.2001(Annexure A5) by which the selection held for the post of Technician Gr.III(Lineman & Fitter) has been cancelled.

The facts in short are that the aforesaid selection was cancelled earlier by order dated 9.9.1998 which was challenged by filing OA No.1080/98 before this Tribunal. The OA was disposed of finally by order dated 10.4.2001. The impugned order dated 9.9.1998 was quashed and the respondents were given liberty to pass a fresh order after giving opportunity of hearing to the applicants. Now the fresh order dated 17.7.2001 has been passed after giving opportunity to the applicants. The reasons^u stated for cancelling the selection, in the imugned order are as under:

- i) In terms of CPO Serial no.157/88 the qualification to call volunteers for formation of panel against 25% LDCE technician Gr.III(Lineman Fitter) must be matriculate which was not done earlier.
- ii) One candidate having qualification six pass declared suitable whereas he should be 8 pass as per notification.

from the aforesaid it is clear that the notification issued earlier required only 8th pass^u ~~pass~~ qualification, as against matriculate which was the requirement of the rules. there could not be any estoppel against statutory requirement. If by mistake academic qualification required by rules was not correctly mentioned in the notification the selection has been rightly cancelled. ~~in~~

 Para 2 further shows that there were illegalities in selection as though 8th pass qualification in the


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notification was incorrect but even against that a candidate having qualification of 6th pass was declared suitable. But the main reason for cancelling the selection was that the minimum academic qualification of matriculation was not shown in the notification. We do not find any error in the order.

The O^A has no merit and is dismissed. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 09.8.2001

Uv/